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MAILED

JUL 24 2007

Technology Center 2100

In re Application of:

Paul A. RYDER
Application No.: 09/480,343
Filed: January 10, 2000
For: METHOD, SYSTEM, AND PROGRAM
PRODUCT FOR MANAGING BUILDING
OPTIONS

DECISION ON PETITION UNDER
37 C.F.R. § 1.8 TO ACCEPT
PAPERS AS TIMELY FILED AND
UNDER 37 C.F.R. § 1.181 TO
WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the renewed petition filed 11 July 2005 under 37 C.F.R. § 1.8(b) to accept papers as timely filed and as a petition under 37 C.F.R. § 1.181 requesting the Withdrawal of the Holding of Abandonment.

The petition is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the Office Action mailed 12 February 2004. A Notice of Abandonment was mailed on 27 June 2005.

37 C.F.R. § 1.8(b) states:

(b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

(1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,

(2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and

(3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or

transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

Petitioner asserted that an Amendment was filed in a timely manner on 12 May 2004 by facsimile to USPTO facsimile number (703) 872-9306. Copies of the originally transmitted Amendment and Certificate of Facsimile transmission signed by Thomas Fisher dated 12 May 2004 were submitted.

A **personal knowledge** statement from Mr. Thomas Fisher, who certified that the Amendment was facsimile transmitted to the USPTO on 12 May 2004, is not of record. Pursuant to 37 CFR 1.8(b)(3) Petitioner, Mr. Patrick W. Rasche, attests to his having personal knowledge that an Amendment in response to the Office Action dated 12 February 2004 was facsimile transmitted to USPTO facsimile number (703) 872-9306 on 12 May 2004.

For the above stated reasons, the petition is **GRANTED**. The Notice of Abandonment is hereby withdrawn.

The application file is being forwarded to the Technology Center support staff to process and enter the copy of the Amendment. From there, the applicant file will be forwarded to examiner for appropriate action.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.



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Information Security